

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 16, 2009, (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-15, 17-31, and 33-38 have been canceled, without prejudice, rendering the objections and rejections thereof moot. Applicant accordingly requests that the objection to Claim 20 be removed and each of the rejections of Claims 1-15, 17-31, and 33-38 be withdrawn.

With respect to the comments regarding the drawings on page two, Applicant notes that the application is a 371 application. Thus, the drawings for the application were submitted to the USPTO by the International Bureau. Specifically, the USPTO's PAIR system indicates that the drawings were submitted by the International Bureau on June 8, 2006, and the drawings are viewable in PAIR as pages 21 and 22 of the 25-page document "Documents submitted with 371 Applications". Notably, MPEP § 1893.03(c) indicates that "If the international application is published in English, the Office will use the description, claims, abstract and drawings as published in the pamphlet for the U.S. national stage application under 35 U.S.C. 371." Thus, the drawings for the instant application have been properly submitted to the USPTO and are present in the pending application. If there is an objection to the drawings, Applicant requests clarification and an opportunity to respond.

Similarly, with respect to the assertion that an abstract on a separate sheet is required at page two of the Office Action, Applicant respectfully traverses. Because the application is a 371 application, an Abstract on a separate page does not need to be submitted. The instant application is a national stage application based on international application no. PCT/FI2003/000944 which was communicated to the U.S. Patent Office by the International Bureau as indicated on the Form PCT/IB/308 for this application. MPEP § 1893.03(c) specifically states that such a requirement is improper:

The requirement of 37 CFR 1.52(b) that the abstract 'commence on a separate physical sheet or electronic page' does not apply to the copy of the published international application communicated to the designated

Offices by the International Bureau under PCT Article 20. Accordingly, it is improper for the examiner of the U.S. national stage application to require the applicant to provide an abstract commencing on a separate sheet if the abstract does not appear on a separate sheet in the publication of the international application.

Since the international application was published and communicated in accordance with the above procedure, the objection to the instant Specification is improper, and Applicant respectfully requests that the requirement be removed.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended independent Claims 39 and 42 to indicate that at least one image capturing apparatus is dedicated for measuring exposure parameters. Support for these changes may be found in the original Specification, for example, at page 13, lines 12-14; therefore, the changes do not introduce new matter. Claims 39-42 are believed to be patentable over the asserted reference for the reasons set forth below.

The asserted reference, U.S. Patent No. 6,611,289 to Yu *et al.* (hereinafter "Yu"), does not teach or suggest an imaging apparatus having at least two image capturing apparatus where one image capturing apparatus is dedicated for measuring exposure parameters. Rather, Yu teaches that digital imaging process circuitry 338 controls each of the image sensors. For example, the digital image processing circuitry 338 analyzes digital image 354 from green image sensor 304, detects that the image is saturated, and in response, the circuitry 338 generates a feedback signal to shorten the exposure time of the green image sensor 304 (Col. 6, lines 30-43). This is the prior-art solution discussed at page 13, lines 6-12, of the instant Specification where the same apparatus used to produce the image is used for measuring purposes. In contrast, the claims require that an image capturing apparatus be dedicated only for measuring exposure parameters. Since Yu does not teach or suggest these limitations, Yu fails to correspond to the limitations of at least Claims 39, 40, and 42.

Yu also fails to teach or suggest the limitations of Claim 41. Specifically, Yu does not teach a sensor array that is divided between at least two image capturing apparatus. In contrast, Yu's camera includes four separate, identical image sensors 302, 304, 306, and 308 (Col. 4, lines 64-67). Yu further states that the camera comprises multiple sensors and multiple lenses (*see, e.g.*, Col. 7, line 37). Without correspondence to each of the claimed limitations, the § 102(b) rejection would be improper. Applicant accordingly requests that the § 102(b) rejection be withdrawn.

Applicant respectfully traverses the § 103(a) rejection of Claims 16 and 32 because the rejection is based upon the teachings of U.S. Patent No. 7,199,348 to Olsen *et al.* (hereinafter "Olsen"), and Olsen is not prior art with respect to the instant application. The cover page of Olsen indicates that the earliest available filing date to which Olsen could claim priority is a provisional filing date of August 25, 2004. However, the instant application was filed as a PCT application on December 11, 2003. It should be noted that the filing date of the international stage application (PCT application) is also the filing date for the national stage application (371 application). Therefore, the instant application has a filing date of at least December 11, 2003, which pre-dates Olsen. Since Olsen is not prior art with respect to the instant application, the § 103(a) rejection based upon Olsen is improper. Applicant accordingly requests that the rejection of Claims 16 and 32 be withdrawn.

Also, Claims 16 and 32 have been amended to be rewritten in independent form. These claims now include limitations of their respective underlying claims; therefore, the changes are not believed to affect the scope of the claims. Since these claims merely incorporate limitations which were already present in the pending claims, the changes also do not introduce new matter. Claims 16 and 32 are believed to be patentable for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (KOL.216.WUS) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: June 16, 2009

By: /Erin M. Nichols/

Erin M. Nichols
Reg. No. 57,125